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COSTCO WHOLESALE CORPORATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JESSICA A. NUNEZ & JOSE NUNEZ,

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION,
Individually, and d/b/a *COSTCO*; ABC
CORP. 1-5 (fictitious names), Individually,
and d/b/a *COSTCO*; JOHN/JANE DOES 1-5
(fictitious names), Individually, d/b/a
COSTCO,

Defendants.

CIVIL ACTION NO.

PETITION FOR REMOVAL

Petitioner, Costco Wholesale Corporation (“Costco”), by its attorneys, Cruser, Mitchell, Novitz, Sanchez, Gaston & Zimet LLP, respectfully petitions the United States District Court for the District of New Jersey, as follows:

1. This case was commenced on August 16, 2022 when plaintiffs Jessica A. Nunez & Jose Nunez (“Plaintiffs”), filed a Complaint in the Superior Court of New Jersey, Law Division, Essex County, captioned Jessica A. Nunez & Jose Nunez v. Costco Wholesale Corporation, Individually, and d/b/a *COSTCO*, et al., at Docket No.: ESX-L-4808-22 (the “State Court Action”).

A true and accurate copy of Plaintiffs’ Complaint is attached hereto as **Exhibit A**.

2. Costco first received a copy of the Complaint on or about August 17, 2022 when it was served upon Costco's designated agent in New Jersey.

3. The filing of this Petition for Removal is timely because it is filed within thirty days of the date Costco received a copy of the Complaint and notice of this lawsuit. *See* 28 U.S.C. § 1446(b) (1).

4. Plaintiffs' Complaint, filed in the Superior Court of New Jersey, Law Division, Essex County, asserts damages of a non-specified amount. Plaintiff, Jessica A. Nunez, alleges she was caused to slip and fall on Costco's premises. Costco's counsel has conferred with Plaintiff's counsel, who advised that Plaintiff does not currently have a demand, but that her alleged injuries are significant. As such, Costco reasonably believes the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Based on the allegations in the Complaint, Plaintiffs are both adult individuals and citizens of the State of New Jersey. Costco is a Washington corporation maintaining its principal place of business at 999 Lake Drive, Issaquah, Washington 98027. As such, this action is between citizens and a corporation of diverse states.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(b) and 1446(a) because the United States District Court for the District of New Jersey is the federal judicial district embracing the Superior Court of New Jersey, Law Division, Essex County, where State Court Action was originally filed.

7. Accordingly, this action is removable to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 1441.

8. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all of the process, pleadings, orders, and documents from the State Court Action served upon Costco are being filed

with this Notice of Removal and are attached hereto as **Exhibit B**. Costco will file true and legible copies of all other documents on file in the State Court Action within thirty (30) days of the filing of this Notice of Removal.

WHEREFORE, Defendant, Costco Wholesale Corporation, respectfully requests that this Court accept removal of this action from the Superior Court of the State of New Jersey, Law Division, Essex County, Docket No. ESX-L-4808-22, to the United States District Court for the District of New Jersey.

DATED: September 13, 2022

Defendant, COSTCO WHOLESALE
CORPORATION

BY: 

Douglas V. Sanchez

I certify that a true copy of the Complaint filed in the Superior Court of the State of New Jersey, County of Essex, along with a copy of the Summons issued to this defendant, is annexed hereto as **Exhibit A**.

BY: 

Douglas V. Sanchez